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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,162	11/12/2003	Farid Nemati	C-028	7584

7590

05/26/2005

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EXAMINER

JACKSON JR, JEROME

ART UNIT PAPER NUMBER

2815

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/706,162	<b>Applicant(s)</b> NEMATI ET AL.	
	<b>Examiner</b> Jerome Jackson Jr.	<b>Art Unit</b> 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 15, 19-22, 24 and 26 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 16-18, 23, 25 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/9/05</u> . | 6) <input type="checkbox"/> Other: _____  |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6,15,19-22,24,26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nemati '359.

The previous rejection still applies. The new limitations are functional language and do not structurally distinguish over Nemati because column 7 lines 35-40 state that the gate of the NMOSFET can be independently controlled, i.e. it can be configured and arranged for receiving a signal outside of the thyristor.

Claims 7-14,16-18,23,25,27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed 3/9/05 have been fully considered but they are not persuasive. Arguments on page 8 of the remarks that the Nemati device cannot be configured and arranged for receiving a signal outside of the thyristor are unconvincing in view of column 7 lines 35-40 of Nemati. Applicant quotes the relevant part of the description of figure 8. There is no evidence that Nemati cannot function in the manner claimed and it is applicant's burden to prove otherwise. See *In re Swinehart* 169 USPQ 226, *In re Pearson* 181 USPQ 641, and *Ex parte Minks* 169 USPQ 120 on labels, statements of intended use, and functional language in claims drawn to structure as we have here, all of which make it clear that it is applicant's burden to show that the anticipating art cannot function in the manner claimed.

Arguments regarding claims 2-5 are likewise unconvincing of patentability as the functional language again does not structurally distinguish the claims over Nemati and furthermore, "a circuit arrangement" is broad and in no way structurally distinguishes claim 2 over Nemati figure 8. Arguments regarding claim 3 are likewise unconvincing as "a temperature sensing circuit" is broad, the functional language is not structurally distinguishing over Nemati, and the device of Nemati "provides high stability for the blocking state of the thyristor against high temperature" (col.7 lines 34-35) and "alternatively, the gate of the NMOSFET can be independently controlled" i.e. coupled to an outside "circuit" which in this case should be a temperature sensing circuit as the purpose is to "provide high stability... against high temperature". Claims 4 and 5 likewise recite functional language and do not structurally distinguish over Nemati.

Arguments regarding claim 15 are likewise unconvincing of patentability as above in regard to "functional language" as Nemati can function in the same manner particularly in view of "independent control" for providing "high stability"... "against high temperature". There is no evidence that Nemati cannot function in the same manner.

Arguments regarding claims 24 and 26 are unconvincing as figures 7 and 8 of Nemati show embodiments where lifetime reducing elements 750 are located all along the base-emitter junction and NMOSFET 850 spans that junction. Including both transistor 850 and elements 750 is obvious if not anticipated by Nemati.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2815

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Jackson Jr. whose telephone number is 571 272.1730. The examiner can normally be reached on t-th 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 571 272 1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEROME JACKSON  
PRIMARY EXAMINER